

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*Cabell County Commission v.  
AmerisourceBergen Drug  
Corporation, et al.  
Case No. 17-op-45053*

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**UNOPPOSED MOTION TO DISMISS CVS HEALTH CORPORATION AND ADD  
CVS TENNESSEE DISTRIBUTION, L.L.C., CVS INDIANA, L.L.C., AND CVS RX  
SERVICES, INC. AS DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 21, Plaintiff in the above-captioned case hereby moves to dismiss Defendant CVS Health Corporation (“CVS Health”) from the case without prejudice and to add CVS Tennessee Distribution, L.L.C. (“CVS Tennessee”), CVS Indiana, L.L.C. (“CVS Indiana”), and CVS Rx Services, Inc. (“CVS Rx Services”) as Defendants in that case. CVS Health does not oppose the motion.

On June 8, 2018, CVS Health moved to dismiss the complaint in the above-captioned case for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2). If this motion pursuant to Rule 21 to dismiss CVS Health is granted, the motion to dismiss for lack of personal jurisdiction will be moot.

This motion and the addition of CVS Tennessee, CVS Indiana, and CVS Rx Services to this case is without prejudice to any defenses, counterclaims, cross-claims, arguments, or other legal positions available to CVS Indiana and CVS Rx Services as Defendants in the case.

Dated: July 6, 2018

Respectfully submitted,

By: /s/ Anthony J. Majestro

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of July 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

*/s/ Anthony Majestro*

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